

CUSTOMER NO.: 38107  
EXPEDITED PROCEDURE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: N. LAVERT
J. RUSSELL, et al.	)	
	)	Art Unit: 4123
Serial No.: 10/597,079	)	
	)	Confirmation: 6955
Filed: July 11, 2006	)	
	)	
For: ADAPTIVE	)	
PHYSIOLOGICAL	)	
MONITORING SYSTEM	)	
AND METHODS OF USING	)	
SAME	)	
	)	
Date of Last Office Action:	)	
August 22, 2008	)	
	)	
Attorney Docket No.:	)	Cleveland, OH 44114
PHUS040020US2 / PKRZ 2 01268	)	October 16, 2008

**37 CFR 1.144 PETITION**  
**(RESTRICTION REQUIREMENT)**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On May 8, 2008, the Examiner issued a four-way Restriction Requirement between Groups I, II, III, and IV. In the applicant's Amendment of May 29, 2008, the applicant elected Group I, with traverse. The Office Action of August 22, 2008 apparently has withdrawn the Restriction Requirement between Groups I, II, and IV. The Examiner maintained the Restriction between the elected apparatus claims and the non-elected method claims.

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**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I certify that this 37 CFR 1.144 PETITION (RESTRICTION REQUIREMENT) and accompanying documents in connection with U.S. Serial No. 10/597,079 are being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

October 17, 2008  
Date

Patricia A. Heim  
Patricia A. Heim